



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/472,314	12/22/1999	Anil Vasudevan	81674-264191	8582
27496	7590	12/19/2003	EXAMINER	
PILLSBURY WINTHROP, LLP			JACKSON, JENISE E	
725 S. FIGUEROA STREET				
SUITE 2800				
LOS ANGELES, CA 90017				
ART UNIT PAPER NUMBER				
2131				

DATE MAILED: 12/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/472,314	VASUDEVAN ET AL.	
	Examiner	Art Unit	
	Jenise E Jackson	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on ____ .

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-27 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-27 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. ____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). ____ .
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ . 6) Other: ____ .

DETAILED ACTION

Minor Informalities

1. The Applicant needs to provide another copy of specification with proper margins, because the specification that was provided has top margins over the hole puncher; therefore, it makes the specification unreadable for printing purposes.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-10, 12-18, 20-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Mamros et al.
4. As per claims 1, 10, Mamros et al. discloses a server system(see col. 3, lines 38-41); a client system(see col. 3, lines 41-45), the server system and the client system executing processes to provide security mechanisms for securing traffic communication between the two system(see col. 5, lines 11-24), the processes including key exchange processes executed when the client system is in an operational state(see col. 5, lines 11-39, col. 6, lines 8-51); logic for detecting whether the client system is in operational state, this is inherent in Mamros et al., because Mamros et al. can detect whether a client is no longer reachable(see col. 6, lines 45-51); a storage device at the client/server system for storing the results of the key exchange processes, inherent in ISAKMP, because the key is carried in the channel(see col. 5, lines 25-40, 63-67, col. 6, lines

1-7); logic for inhibiting the stored results of the key exchange from being updated until a successful execution of another set of key exchange processes between the server system and the client system(see col. 6, lines 52-67, col. 7, lines 1-17); logic for updating the stored results of the key exchange if the execution of the other set of key exchange processes is successful; and logic for using results stored in the memory to secure the traffic(see col. 8, lines 27-67).

5. As per claims 2-3, Mamros et al. discloses wherein the logic for inhibiting the stored results of the key exchange from being updated is embodied in the client system, the Examiner asserts that the key exchange will not take place if the client/server is no longer reachable(see col. 6, lines 45-51).

6. As per claim 4, Mamros et al. discloses wherein the state of the server system includes at least os hung(see col. 6, lines 36-66).

7. As per claim 5, Mamros et al. discloses wherein the state of the client system includes os hung(see col. 6, lines 52-66).

8. As per claim 6, Mamros et al. discloses logic for allowing the traffic communication between the server system and the client system to be sent without security(see col.6, lines 45-51).

9. As per claim 7, Mamros et al. discloses wherein the client system is a network device(see col. 3, lines 15-30).

10. As per claim 8, Mamros et al. discloses wherein the storage device is non-volatile storage that is part of an Ethernet device(see col. 4, lines 11-50).

11. As per claim 9, Mamros et al. discloses wherein the logic inhibiting the stored results of the key exchange from being updated includes, logic for sending a signal acknowledging the

successful execution of another set of key exchange processes, and logic for sending a signal confirming receipt of the acknowledgement signal(see col. 7, lines 40-67, col. 8, lines 1-7).

12. As per claim 12, rejected under the same basis as claim 1, and further Mamros et al. discloses for inhibiting the stored results from being updated until a successful execution of a second set of key exchange processes between the server system and the client system(see col. 6, lines 24-35); updating the stored results with the results obtained by the second set of key exchange processes if the execution of the second set of key exchange processes is successful(see col. 6, lines 36-51); and using either the stored results or the updated results to secure the traffic depending on whether the second set of key exchange processes is successful(see col. 6, lines 8-66).

13. As per claim 13, rejected under the same basis as claim 4.

14. As per claim 14, rejected under the same basis as claim 5.

15. As per claim 15, rejected under the same basis as claim 6.

16. As per claim 16, rejected under the same basis as claim 8.

17. As per claim 17, rejected under the same basis as claim 9.

18. As per claim 18, Mamros et al. discloses storing the results of the key exchange processes into the server system(see col. 5, lines 25-40, 50-66).

19. As per claim 20, rejected under the same basis as claim 12.

20. As per claim 21, rejected under the same basis as claim 4.

21. As per claim 22, rejected under the same basis as claim 5.

22. As per claim 23, rejected under the same basis as claim 6.

23. As per claim 24, rejected under the same basis as claim 18.

24. As per claim 26, limitation has already been addressed(see claim 1).

Claim Rejections - 35 USC § 103

25. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

26. Claims 11, 19, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mamros et al.

27. As per claims 11, 19, 27, the Examiner takes Official Notice that switching the server system to a second server system when the server system becomes non-operational is well-known in the art of networking. It would have been obvious to one of ordinary skill in the art at the time of the invention to include switching the server system to a second server system when the server system becomes non-operational, the motivation is that the second server acts as a backup to primary server in case the primary server becomes non-operational, and thus the network itself will not fail, because the secondary server acts as a backup.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenise E Jackson whose telephone number is (703) 306-0426. The examiner can normally be reached on M-Th (6:00 a.m. - 3:30 p.m.) alternate Friday's.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (703) 305-9648. The fax phone numbers for the

Art Unit: 2131

organization where this application or proceeding is assigned are (703) 305-0040 for regular communications and (703) 308-6306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

December 10, 2003

Gilberto Barron
GILBERTO BARRON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100